IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5849 OF 2004

Yogesh Wasudeorao Sawalakhe ..Applicant.

V/s.

The Senior Inspector of Police (Anti Corruption Dept.) & Anr. ..Respondents.

Shri Rahul S. Thakur for the Applicant.
Shri V.B.Konde Deshmukh, APP for Respondent No.2.

CORAM : A.M.KHANWILKAR, J.
DATED : JANUARY 20, 2005

PC :-

. Counsel for the applicant submits that as co-accused Sanjay Patil has been released on bail, the applicant deserves to be released on bail on parity. However, the plea regarding parity is pressed into service for the first time before this court. Instead of examining the said condition for the first time before this court, the appropriate course to my mind is to direct the applicant to prefer fresh application before the trial court for bail on the ground of parity and that application be decided by the trial court on its own merits in accordance with law. I am inclined to take recourse to this option as cases of other accused have already been sent back to the trial court to examine plea of parity.

. The application is disposed of with liberty to the applicant to take out appropriate application before the trial court, if so advised.

. Ordered accordingly.

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